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A SUMMARY OF SELECTED BILLS

TRULY AGREED TO AND FINALLY PASSED

By The

87th General Assembly

First Regular Session



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Prepared By

Office of State Courts Administrator

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INTRODUCTION

In their role of interpreting the statutes of Missouri, judges have a potential interest in almost any bill enacted. However, for this synopsis certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts, or which appear likely to come to the attention of the courts within a short time. Some bills, which may provide for specific types of cases which are expected to be of low volume and therefore not of general interest, have not been included in this summary.

The individual summaries cover the major points of the bills or those sections that affect the courts, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

Because of the disparate provisions in many of the bills, they have not been arranged by subject matter, but in numerical order. A table of contents is provided at the front of this document.

Except for the bills marked "vetoed," all bills included in this summary have been signed by the Governor. Signed bills become effective August 28, 1993, unless otherwise indicated. We have indicated the date signed on those bills with an emergency clause.

For a copy of any bill, please direct your request to:

Senate Bill Room
State Capitol
Jefferson City, Missouri 65101

House Post Office
State Capitol
Jefferson City, Missouri 65101

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

SENATE BILLS

HS HCS SCS SB 18 REAL ESTATE TRANSACTIONS

This bill makes numerous changes in real estate business practices.

The bill also adds architectural illustration and architectural model building to the services provided by an architect that can be the basis for a mechanic's lien and creates a lien for state certified real estate appraisers and real estate brokers who are not acting as a salesperson in the sale of commercial real estate.

There are provisions for an escrow account to be established with the clerk of the circuit court in certain circumstances. Sections 339.020, 339.030, 339.040, 339.060, 339.080, 339.100, 339.110, 339.150, 339.160, 339.170, and 383.065, RSMo 1986, and 339.010, 339.120, 339.507, 339.517, 367.021, 367.043, and 429.012, RSMo Supp. 1992

HCS SB 19 CRIME VICTIMS' RIGHTS

This bill implements the recently adopted crime victims' rights constitutional amendment. In general, the rights of crime victims are broadened. Among the provisions are: the right to be informed by the court and prosecutor as to how to claim witness fees; the right to be informed by the court of any hearing for reconsideration of any sentence or modification of the sentence; the right to a secure waiting area during court proceedings; and, the right to be present in juvenile proceedings if the offense would have been a felony if it had been committed by an adult. The bill includes "hit and run" in the definition of "crime" under Chapter 595 and provides for compensation for counseling expenses for certain persons.

In certain instances, a defendant may be denied bail or certain conditions may be imposed before bail is granted. Sections 595.010 and 595.200, RSMo 1986, and 595.020, 595.030, 595.035, 595.045, 595.209, and 595.212, RSMo Supp. 1992

HCS SB 67 "DRUG-FREE PUBLIC WORK FORCE ACT"

Creates the "Drug-Free Public Work Force Act." Public employees convicted of violations of Chapter 195 or similar U.S. or other state's statutes for the first time are to be suspended, for no more than three months, unless they complete a drug abuse treatment program within six months of the employer becoming aware of the conviction. Failure to complete a program will result in termination of employment as will second-time convictions. There are conditions for completion of suspension and for reemployment after a certain time period.

The bill also allows Greene, Franklin and Boone County to adopt an alternative form of government and frame a county constitution, if approved by the voters. The circuit judges are to choose a commission to frame the constitution.

CCS HS#2 HCS SCS SB 88 OMNIBUS JUDICIAL CHANGES

This legislation contains numerous provisions including the following:

- 104.530** Suits or proceedings involving MOSERS and relating to medical insurance or disability benefits may be brought in the county of residence of the beneficiary.
- 105.711 and 105.800** Includes juvenile employees in those employees covered by the State Legal Expense Fund and workers' compensation.
- 115.155** Adds the social security number to voter registration information; however, its inclusion is optional.
- 115.157** Electronic tapes, printouts or mailing labels containing voter registration information are not to include the telephone number or social security number.
- 211.041, 211.181, 211.185, 219.021** Create a juvenile court restitution program which would be funded from certain assessments to the child and from earnings of the child while working on community service programs. The restitution fund would be administered by the clerk of the court, who would receive and disburse payments. Unsatisfied judgments for restitution could be extended beyond the age for normal release from the juvenile court.
- 211.063** Juveniles with a record of leaving court-ordered placement are subject to secure detention.
- 211.381** Eliminates the fourth class of deputy juvenile officers.
- 473.730, 473.767 and 473.770** Relate to the public administrator in Jackson County.
- 476.320** Family court commissioners and juvenile commissioners are to be included in the judicial conference.
- 476.480** Retirement provisions do not apply to judges who have been impeached or removed from office for acts involving moral turpitude.
- 478.240 and 479.230** Authorizes presiding judges to transfer municipal judges to other municipal courts in the circuit on a temporary basis.
- 479.020** Municipal judges are to retire at age 70.
- 482.365** Provides that, where a small claims plaintiff applies for a trial de novo, the plaintiff shall be allowed to amend the petition to state a claim which is within the jurisdictional limit of the circuit court.
- 485.100 and 485.120** Increases court reporter page rate transcription fees to \$1.50 and increases the fees for court reporter services to \$15.00.

CCS HS#2 HCS SCS SB 88 OMNIBUS JUDICIAL CHANGES (Cont.)

494.405 In first class counties not having a charter form of government, the board of jury supervisors may appoint a jury supervisor and deputy jury supervisors. These are to be employees of the county.

494.442 The Department of Revenue's drivers license list must contain the social security number of the driver; the social security numbers are to be provided to jury commissioners in each county and St. Louis City. (Effective 1/1/94)

517.011 Increases the civil jurisdiction of the associate division's civil cases from the current maximum of \$15,000 in damages to a new limit of \$25,000.

Sections 2 & 3 Expand the power that may be given by the court to a personal representative.

Sections 4-9 Set forth the rights of the deaf to have auxiliary aids available to them whenever they are a party, juror, witness, or a participant in any public proceedings. Includes provisions concerning assessment of costs, waiver of aids and services, and incarcerated deaf defendants. "The fees and expenses of providers of auxiliary aids and services who serve before any civil court or criminal, civil or juvenile proceeding are payable from funds appropriated to the administrative office of the court."

There are also numerous changes to the probate code, including increasing the size of a small estate from \$15,000 to \$40,000, and requiring clerks to publish a notice to creditors when the value of the property is more than \$15,000 (§473.097). In addition, there are provisions that:

- 1) Clarify the length of time a creditor has to file claims against an estate.
- 2) Abolish any barring of claims in guardianship/conservatorships.
- 3) Eliminate provisions for guardians/conservators to provide reasonable support and maintenance to wards/protectees.
- 4) Transfer the burden from the clerk to conservators to give notice to creditors when requested to do so.

Section 1 appears to allow Greene, Boone, Franklin and Jefferson Counties to adopt an alternative form of government and frame a county constitution, if approved by the voters. The circuit judges are to choose a commission to frame the constitution.

HS SB 126 RETIREMENT

This bill relates primarily to teachers' retirement systems.

One section, relating to MOSERS, changes the date from which COLA caps are calculated to October 1, 1986. Section 104.103, RSMo Supp. 1992

CCS HCS SB 167 INTOXICATION-RELATED OFFENSES

This legislation will: clarify the definitions of prior and persistent offenders as they relate to intoxication-related traffic offenses; include a measurement for breath analysis for administrative DWI suspension and criminal procedures; permit admission of refusal to submit to a blood-alcohol test to be entered in cases of involuntary manslaughter and second degree assault; permit persons who have had their drivers' license revoked for five or ten years to apply for a hardship license after two or three years, respectively, if certain conditions are met; make it easier to establish a culpable mental state; and provide that evidence that a person was in a voluntarily intoxicated or drugged condition is admissible for certain purposes.

The legislation will make it mandatory, rather than discretionary, to revoke a person's drivers license if such person refuses to submit to a chemical test. The arresting officer is to serve notice of revocation and take possession of the person's license. The officer shall issue a 15-day limited, temporary license along with notice of the right to contest the revocation.

In addition, the bill extends the drivers' license revocation provisions in §302.341 to county and municipal ordinance cases in counties or municipalities with a population over 100,000 and requires clerks, within ten days of failure to comply, to notify the defendant that the court will order the director of Revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing; imposes a \$5.00 fee on Chapter 195 and DWI cases to be disbursed to the "Independent Living Center Fund"; requires the court to order first offense DWI offenders to complete an alcohol or drug education or rehabilitation program as a condition of suspending a sentence (this is presently permissive); and creates new crimes and penalties related to watercraft violations.

The legislation permits Springfield to enact an ordinance(s) which subjects to forfeiture motor vehicles operated by persons with certain intoxication-related driving offenses.

Sections of this bill relating to watercraft violations and Sections 577.021, 577.023 and 577.037 have an emergency clause. Signed 6/30/93. Sections 302.540, 562.021, 562.076, and 577.049, RSMo 1986, and 302.309, 302.341, 577.023, 577.037, 577.041, 577.048, and 577.520, RSMo Supp. 1992

HCS SB 177 COUNTY ORDINANCE VIOLATIONS

Any first class charter county may prosecute municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county.

Any person charged with the violation of a county ordinance in a county municipal court shall be entitled to a jury trial on the record. Sections 479.040, RSMo 1986, and 66.010, RSMo Supp. 1992

CCS HCS SCS SB 180 OMNIBUS CRIMINAL PROCEDURE

- 1.160 Provides that if a penalty for any offense is reduced or lessened by any alteration of the law prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

CCS HCS SCS SB 180 OMNIBUS CRIMINAL PROCEDURE (Cont.)

- 43.503** Provides for the fingerprinting of some juveniles.
- 43.504** Central repository information may be made available to private probation supervisors.
- 43.543** All state agencies may check the prior criminal history of prospective employees.
- 105.711 and 105.800** Includes juvenile personnel in those covered by the State Legal Expense Fund and workers' compensation.
- 195.140** Requires drug forfeiture proceedings to be conducted according to the Criminal Activity Forfeiture Act.
- 195.218** Creates the crime of distribution of a controlled substance near public housing.
- 211.381** Makes all class 4 deputy juvenile officers class 3 deputy juvenile officers.
- 228.362** Plaintiffs are liable for all damages and costs which occur as a result of their use of a private road if, after final judgment, a private road is not established. (There is a similar provision in SB 236.)
- 351.265** Persons who knowingly represent a falsified proxy are guilty of an infraction.
- 452.375 and 452.400** Requires the court to make specific findings of fact to support child custody and visitation decisions where evidence exists that domestic violence has occurred.
- 452.376** School reports shall not contain the address of a custodial parent if there is a history of domestic violence directed at the custodial parent or the child.
- 476.340** Changes the membership of the executive council of the judicial conference by reducing by one the number of circuit judge members and adding five associate circuit judges for a net gain of four members.
- 490.717** Authorizes a retail business to enter as evidence in a preliminary hearing a notarized affidavit of the value of merchandise "wrongfully taken."
- 494.480** Provides that the qualifications of a juror on a panel from which peremptory challenges are made by the defense shall not be cause for appeal or a new trial unless the juror served on the jury. Also provides that a defendant who enters a plea after the jury is impaneled must pay for the costs associated with impaneling the jury.
- 513.380** Permits prosecutors to grant immunity to judgment debtors for statements made during examination.
- 513.607, 513.617, 513.620 and 513.623** Make changes in the CAFA statutes.

CCS HCS SCS SB 180 OMNIBUS CRIMINAL PROCEDURE (Cont.)

- 517.011 Increases the jurisdiction of the associate division's civil cases from \$15,000 to \$25,000.
- 541.070 An offender may be prosecuted in the county where property was stolen or in the county where it was taken.
- 543.200 Provides primarily technical changes in the statute relating to jury trials in misdemeanor cases.
- 543.220 Provides that there is no right to a jury trial in infraction cases.
- 544.090 Warrants issued by associate circuit judges may be executed in any part of the state.
- 544.157 Establishes new standards for "fresh pursuit" including vehicular pursuit and water patrol pursuit.
- 547.170 Includes persons convicted of forcible rape, second degree murder, first degree assault, and first degree drug trafficking in those persons who may not be granted bail while appealing their conviction.
- 552.030 and 562.086 Revise the standard for not guilty by reason of mental disease or defect.
- 563.031 and 563.036 Expand the circumstances under which the use of deadly force is permitted.
- 565.060 Expands the definitions of assault in the second degree to include recklessly causing physical injury by means of a firearm.
- 566.030 Increases the penalty for forcible rape if the victim is less than twelve years of age.
- 570.120 Requires prosecutors to collect an administrative handling charge for bad checks, and permits the prosecutors to assess a "reasonable service charge" to be turned over to the party to whom the bad check was issued.
- 570.123 Makes bad check writers liable for attorneys' fees.
- 570.225, 570.226, 570.230, 570.235, 570.240, 570.241 and 570.255 Add provisions relating to unlawful use or distribution of certain sound recordings with penalty provisions.
- 574.010 Alters the definition of the crime of peace disturbance.
- 575.320 Expands the crime of misconduct in the administration of justice to include ordering or suggesting to employees of St. Louis County that they must issue a certain amount of traffic citations.
- 577.023 Clarifies the definitions of prior and persistent offenders as they relate to intoxication-related traffic offenses.

CCS HCS SCS SB 180 OMNIBUS CRIMINAL PROCEDURE (Cont.)

- 577.037 Includes a measurement for breath analysis for administrative DWI suspension and certain criminal procedures.
- 577.041 Permits admission of refusal to submit to a blood alcohol test to be entered in cases of vehicular manslaughter and second degree assault and makes it mandatory, rather than discretionary, to revoke a person's drivers license if such person refuses to submit to a chemical test. The arresting officer is to serve notice of revocation and take possession of the person's license. The officer shall issue a 15-day limited, temporary license along with notice of the right to contest the revocation.
- 577.048 Defendants may be charged for the cost of their arrest for any offense, rather than a first offense as is presently the law.
- 578.018 Establishes requirements for the humane killing of impounded animals and provides procedures which allow interested persons to prevent the killing of an animal.
- 578.150 Changes the definitions of the crime of "failing to return leased or rented property," and creates several related new crimes.
- 578.395 Increases the penalties for ticket scalping.

Section 1 Gives grandparents a right to intervene in any proceeding initiated pursuant to Chapter 211, RSMo, in which the custody of a grandchild is in issue. This right may terminate upon the adoption of the child except where the child is adopted by a stepparent, another grandparent, or other blood relative.

Sections 2-6 Create the "Intergovernmental Drug Laws Enforcement Act" and a "multijurisdictional enforcement group" (MEG) to enforce the drug laws.

Section 7 Imposes a new fee of \$5.00 on all convictions or guilty pleas related to Chapter 195 (drugs) and DWI offenders, to be collected by the clerk and paid at least monthly to the director of revenue to be placed to the credit of the "Independent Living Center Fund" created by this act.

Section 10 Makes it a class A misdemeanor to carry a fake ID.

The legislation also creates new crimes relating to public nudity and allows cities to submit to voters a sales tax to fund the investigation of employees of nude entertainment businesses.

Sections 577.023, 577.037, 577.041, 577.048 and the new sections relating to public nudity are subject to an emergency clause. Signed 7/2/93.

HCS SB 238 SHERIFFS' FEES/PUBLIC ADMINISTRATORS

This bill relates primarily to public administrators in Jackson County.

It also provides that the fee for serving summons shall only be charged once for the summons and return served in the same cause on the same trip. Sections 473.730 and 473.770, RSMo 1986, and 57.280, 473.767, and 476.515, RSMo 1992

CCS HS SB 250 COURT HOUSE RESTORATION ST. LOUIS CITY

This bill pertains primarily to salary schedules in St. Louis City.

The bill also adds corporate security advisors in St. Louis City and federal judges to the persons exempt from provisions of the crime of unlawful use of a weapon.

Police officers in St. Louis City are exempt from jury duty.

The bill requires the circuit and associate circuit judges in St. Louis City to impose a fee of \$35 on some civil cases to fund courthouse repair. This fee does not apply to probate, small claims, and adult abuse cases, or to criminal suits. Sections 54.230, 84.150, 84.840, 86.200, 86.250, 86.253, 86.273, 86.283, and 571.030, RSMo 1986, and 52.269, 52.271, 54.320, 56.265, 56.540, 56.600, 57.280, 84.160, and 86.213, RSMo Supp. 1992

HCS SS SB 253 CHILD SUPPORT REVISIONS

This legislation amends the statutes relating to child abuse, paternity establishment, health care coverage, and child support withholding. Included are the following provisions:

- 210.826** Eliminates the time limitation for declaring the nonexistence of a father/child relationship.
- 210.828** Provides that a paternity suit may be filed by the child within 3 years of such child attaining the age of 18 (presently, it must be brought no later than age 18).
- 210.829** In an action initiated by DCSE or an attorney under contract with DCSE, if an action for dismissal, annulment, separate maintenance, custody, or visitation is joined, it shall be severed upon request.
- 210.830** DCSE may represent the child as his next friend in a paternity suit without custody having been granted to DCSE. A guardian ad litem must be appointed only if neglect or abuse is alleged, or if the child is named as a defendant, or if the court determines that the interests of the child and his next friend are in conflict.
- 210.839** Provides that a man who is subject to the court's jurisdiction who is named as a possible father must be made a defendant not less than 60 days before the trial. If he is not subject to the court's jurisdiction, he must be identified to all parties at least 30 days before trial. Also extends to 9 months the period of time within which a jury trial must be held, and provides that failure to have a trial within such time period shall not result in dismissal of the action.
- 210.841** Clarifies that child support guidelines are applicable to paternity cases and that any award for support shall be retroactive to the date of service upon the obligor.
- 210.845** Applies the same "changed circumstances" criteria to motions to modify support orders in paternity cases as for dissolution actions.

HCS SS SB 253 CHILD SUPPORT REVISIONS (Cont.)

- 210.846** Alters access to court documents in paternity cases.
- 452.340** Child support awards may be made retroactive to cover a period prior to establishment of a support order. The length of the period of retroactivity is left to the discretion of the court or DCSE and shall be based on the use of the support guidelines.
- 452.350** All IV-D orders entered or modified by the court must contain a provision notifying the obligor that he must notify DCSE regarding the availability of medical insurance and any change in access to such insurance coverage. Also requires, beginning in January, 1994, income withholding for all child support or maintenance, with two exceptions. Obligors or DCSE may petition the court for withholding at any time. Obligors who fail to provide employment information may be held in contempt.
- 452.370** Provides that, if a responsive pleading raising the issues of custody or visitation is filed where DCSE has filed a motion to modify, such pleading shall be severed upon request.
- 454.200** Uniform Parentage Act blood test standards apply when paternity is an issue for child support enforcement.
- 454.415 and 454.430** Provides a mechanism for the direct transfer of child support payments to another state when the obligee is receiving IV-D or IV-A services in that state and provides a mechanism for termination of IV-D cases.
- 454.445** DCSE is not to pay any fees when filing an action to modify a child support obligation.
- 454.496** Provides an administrative procedure, by DCSE, to modify child support orders. The administrative order must be approved by the court within 45 days of filing. If the court does not take action within 45 days, the modification order is presumed approved. (Effective 1/1/94)
- 454.505** Provides some exceptions to automatic withholding in IV-D cases and clarifies withholding procedures where an arrearage has occurred.
- 454.516, 454.517, 454.518 and 454.519** Expands the properties on which a lien may be placed by the obligor to include manufactured homes; workers compensation; claims, counter claims and lawsuits; and rights of action for negligence and personal injury.
- 454.810** Expands the administrative procedures relating to IV-D cases.
- 568.040** Expands the definition of criminal nonsupport and clarifies where an action may be brought, and makes nonsupport a class D felony if it has occurred over a period of time in excess of six months or the total arrearage is in excess of \$5,000.

HCS SS SB 253 CHILD SUPPORT REVISIONS (Cont.)

Section 2 Specifies procedures for recording credits on child support trusteeship records.

Section 4 Provides guidelines for when the court or DCSE shall, under certain conditions, or may order the parents to provide health benefit coverage for a minor child to whom support is owed.

Section 5 Requires the circuit clerk or the DCSE, as appropriate, to send notice in IV-D cases in which income withholding is to be initiated pursuant to Sections 452.350 and 454.505 to the employer or union of the parent who has been ordered to provide the health benefit plan coverage at the same time the support order withholding notice is issued. The notice must be sent by certified mail, return receipt requested and must contain the following information: the parent's name and social security number; a statement that the parent has been required to provide and maintain health benefit plan coverage for a dependent minor child; the name, date of birth, and social security number, if available, for each child.

Section 6 Requires the circuit clerk or DCSE, as appropriate, to send notice, at the same time that the employer notice pursuant to Section 4 is sent, to the obligor by any form of mail to the obligor's last known address. The notice must contain the following information: a statement that the parent has been directed to provide and maintain health benefit plan coverage for the benefit of a minor child; the name and date of birth of the minor child; a statement that the income withholding for health benefit coverage applies to current and subsequent periods of employment; the procedure available to contest the withholding; a statement of withholding exemptions which may apply; the social security number of the obligor, if available; and a statement that state law prohibits employers from retaliating against an obligor under an order to provide health benefit plan coverage.

Section 6.3 Requires the court or the DCSE director, as appropriate, to hold a hearing if the obligor contests the order for health benefit coverage.

Sections 7-18 Revise the provisions relating to health care coverage.

Section 14 Provides that proof of failure to maintain health benefit plan coverage constitutes a showing of increased need by the obligee and provides a basis for an increase of the obligor's child support order.

Sections 19-23 Provide requirements for employers and employees relating to child support withholding, with penalties for noncompliance.

This bill contains an emergency clause that covers Sections 452.350 and 454.505, Sections 3-18. Signed 5/26/93.

CCS HCS SS SB 268 PEACE OFFICERS' TRAINING FUND

Relates primarily to training and certification requirements for peace officers.

Establishes an additional \$1.00 court fee to be assessed along with the law enforcement training fund fee, sent to the state treasury, and transferred to the credit of the "Peace Officer Standards and Training Commission Fund" which is created by this act. (This additional fee is permissive.)

No county or municipality may retain more than \$1,500 for each certified law enforcement officer or candidate for certification employed by that agency. Excess funds are to be transmitted quarterly to the general revenue of the county or municipality. Sections 590.100, 590.105, 590.110, 590.115, 590.120, 590.130, 590.135, and 590.140, RSMo Supp. 1992

HCS SB 277 TRANSFERS TO MINORS AND PERSONAL CUSTODIANSHIPS

Makes several changes in the laws governing minors and adult custodianships including allows the custodian of property transferred to a minor to enter into contracts which contain obligations which extend beyond the date that the custodianship terminates; and, extends the statute of limitations during which creditors or survivors of a deceased beneficiary can bring an action for an accounting by a personal custodian, from one to two years after the death of the beneficiary. Sections 404.094, RSMo 1986, and 404.051, 404.560, and 404.570, RSMo Supp. 1992

SB 363 EXPANDS TRANSFER OF CREDIT BETWEEN RETIREMENT SYSTEMS

Expands the transfer of credit by employees of certain retirement systems and will allow the transfer between any retirement system established by the state of Missouri or any political subdivision or instrumentality of the state by employees of these entities. An individual who wishes to take advantage of the transfer must be vested in the plan from which the transfer is made, and must make the required payments over a period not to exceed two years. (Identical to HB 733) Section 105.985, RSMo Supp. 1992

HCS SB 394 CHILD ABUSE/CHILD SAFETY RESTRAINTS

Amends the sudden infant death investigation procedures and permits reports of suspected child abuse and neglect to be made to law enforcement agencies or the juvenile office but a report must still be made to DFS. Persons filing a false report, acting in bad faith, with ill intent or acting negligently with regard to the examination of a child shall not have immunity from liability for their actions.

The exemption is removed for child restraints when the driver is not a resident of Missouri or the vehicle is not registered in Missouri or if the vehicle is a temporary substitute vehicle. A person may be criminally liable if a child restraint is not used. Sections 210.104, 210.106, and 210.135, RSMo 1986, and 194.117 and 210.115, RSMo Supp. 1992

SB 395 SURETY BONDS

Provides that the Commissioner of Administration shall procure surety bonds currently required of certain court personnel within the judiciary who receive compensation from the state. No other bonds will be required, and a copy of the bonds will be filed with the Secretary of State. Sections 105.721, 478.275, 483.025 and 483.045, RSMo 1986.

HOUSE BILLS

CCS SCS HB 170 RECORDS EXPUNGEMENT

This legislation makes changes in the open meetings law, and includes "judicial entities when operating in an administrative capacity" in the definition of a public governmental body in that law.

Persons who aid in the removal of a child due to abuse, neglect or assault are immune from civil or criminal liability unless that person filed a false report or acted in bad faith.

The legislation also permits persons to have the records of their arrests and any subsequent court action expunged under certain circumstances. The petition must provide specified information and list agencies and offices believed to be holding records relating to the arrest. The court must set a hearing date and give reasonable notice of the hearing to all law enforcement agencies, courts, prosecuting attorneys, central state depositories and other entities presumed to possess the records subject to expungement. If, at the hearing, the court finds the petitioner is entitled to expungement, it shall notify each official or agency or other entity of the order of expungement. All records required to be expunged must be destroyed or, if this is not feasible, blacked out. There are penalty provisions for failure to expunge and for using the arrest information for financial gain.

The Supreme Court is to promulgate rules establishing procedures for handling expungements similar to the procedures for handling small claims.

The legislation also provides that a fee of no more than \$10.00 shall be assessed in each case to offset the cost of the proposal. The expungement provisions of this bill expire on September 30, 1995. Sections 210.135, 610.100, and 610.105, RSMo 1986, and 28.160, 610.010, 610.015, 610.020, 610.021, and 610.022, RSMo Supp. 1992

HCS HB 306 CONSERVATION/WILDLIFE

Contains various changes relating to wildlife and conservation regulations. Also makes it a class A misdemeanor to hunt or fish while a person's license is suspended, revoked, or denied by the Conservation Commission. Sections 252.045 and 537.115, RSMo 1986, and 252.041 and 252.235, RSMo Supp. 1992

CCS SS#2 SCS HCS HB 346 FAMILY COURT

This legislation authorizes the creation of a family court in the 7th, 13th, 16th, 21st, 22nd and 31st circuits, and in any other circuit which chooses to create one. The family court will be a division of or divisions of the circuit court formed out of existing divisions and charged with hearing and deciding matters involving domestic relations, juvenile matters, adult and child abuse, child support, adoption, termination of parental rights, etc.

The circuit court in Jackson County is required to assign about four of its current circuit judges to the family court under a special population formula provision.

The bill provides for the appointment of up to 3 commissioners per circuit, in addition to juvenile commissioners, and transfers the existing state-paid juvenile commissioners to the family court for the balance of their current terms. The appointment of new commissioners is limited to the reimbursement available.

Family court commissioners are to be state-paid at the same rate as associate circuit judges.

Provision is made for motion to rehear anything heard by a commissioner.

Family Court Administrators and other support staff are authorized. They are to be paid out of the "Family Services and Justice Fund" that is created. This fund receives a fee of \$30.00 charged on Family Court related cases, except for adult abuse petitions.

The bill also provides that family court commissioners and juvenile commissioners are included in the judicial conference. Sections 211.023, 476.320, and 478.063, RSMo 1986, and 211.031, RSMo Supp. 1992

HB 353 EDUCATIONAL SESSIONS IN DISSOLUTION ACTIONS

Allows the courts in the fifth, sixth, twenty-third, twenty-ninth, thirtieth, thirty-first and thirty-eighth judicial circuits to establish an educational program for parties to dissolution actions or in post-judgment proceedings involving custody or support. Fees for the sessions are to be assessed as court costs.

SCS HCS HB 476 & 194 CRIMES RELATED TO STALKING

Creates a series of crimes related to "stalking" and "aggravated stalking." The crime of stalking is a class A misdemeanor for the first offense; second or subsequent offenses within five years are a class D felony. Aggravated stalking is a class D felony for the first offense, and a class C felony for any subsequent offense within five years.

"Stalking" is also included in the Adult Abuse law and persons being "stalked" may seek an order of protection. Sections 455.045, RSMo 1986, and 455.010, 455.020, 455.040, 455.050, and 455.085, RSMo Supp. 1992

SCS #2 HB 490 SMALL CLAIMS-TECHNICAL CHANGES

Eliminates inconsistencies in the jurisdictional limit and number of claims of small claims courts. Sections 482.315, RSMo 1986, and 482.305 and 482.330, RSMo Supp. 1992

CCS HCS HB 562 CRIMINAL PROCEDURES/RECORD EXPUNGEMENT/CRIMINAL STREET GANG ACTIVITY

This legislation will: apply forfeiture statutes to children and provide that the term "arrest," for purposes of chapter 195, shall include the taking of a child into custody; provide that peace officers records shall, for the purpose of pursuing a civil forfeiture action pursuant to §195.140 against a juvenile, be open; change the sentencing requirements for repeat felony offenders; change the statutes relating to aggravating and mitigating circumstances; allow federal judges and federal probation officers to carry a concealed weapon; change the criminal activity forfeiture procedures; and create a series of crimes relating to flying while intoxicated.

The legislation repeals §546.630 which allowed a victim to file a petition for damages against a criminal defendant.

Sections 1-5 Create penalties for persons who actively participate in criminal gang activities and exemptions to same penalties. The bill provides that, for any person between the ages of 14 and 17 who is alleged to have violated the "street gang" provisions of the act, the prosecuting attorney or circuit attorney may move for dismissal of a petition and transfer to a court of general jurisdiction.

This bill also contains the expungement provisions reported in HB 170, with the same expiration date. Sections 565.030 and 571.030, RSMo 1986, and 56.240, 211.321, 546.630, 558.019, and 565.032, RSMo Supp. 1992

HB 600 PRIVILEGED CONVERSATIONS/INTERPRETERS FOR THE DEAF

Regulates the confidentiality of conversations using an interpreter for the deaf. Interpreters may not disclose the contents of a conversation without permission of the person for whom he interpreted. In proceedings relating to criminal charges, courts may order disclosure of the contents of a conversation.

CCS SS HCS HB 614 STATE EMPLOYEES' RETIREMENT

~~REPEALED~~ This bill contains numerous retirement provisions including: provides for an increase in the multiplier to 1.60% (effective January 1, 1995); eliminates the expiration date on the "80 and out" provision; provides a "pop up" option in cases where designated spouse beneficiaries predecease retirees; changes the date from which maximum COLAS as a percentage of benefits are calculated to October 1, 1986; increase the minimum benefit to \$15.00 times years of service; and permits survivors to receive COLAS. Sections 104.415 and 150.150, RSMo 1986, and 52.290, 59.319, 104.010, 104.035, 104.090, 104.100, 104.103, 104.271, 104.335, 104.340, 104.370, 104.371, 104.372, 104.374, 104.395, 104.612, 104.615, 104.617, and 169.070, RSMo Supp. 1992

HB 733 EXPANDS TRANSFER OF CREDIT BETWEEN RETIREMENT SYSTEMS

Expands the transfer of credit by employees of certain retirement systems and will allow the transfer between any retirement system established by the state of Missouri or any political subdivision or instrumentality of the state by employees of these entities. An individual who wishes to take advantage of the transfer must be vested in the plan from which the transfer is made, and must make the required payments over a period not to exceed two years. (Identical to SB 363) Section 105.985, RSMo Supp. 1992